

9 FAM APPENDIX N, EXHIBIT X

HOW TO RECORD DEPARTURE FROM THE UNITED STATES, AFTER THE FACT

(CT:VISA-2239; 12-19-2014)
(Office of Origin: CA/VO/L/R)

As of October 2010, CBP automated the Form I-94W and as of May 2013, CBP automated Form I-94 in the air and sea environment. Paper I-94 and I-94W may be issued in the air and sea environment under special circumstances and are still used at land border ports of entry. If a traveler returned home with his or her Department of Homeland Security (DHS), Customs and Border Protection (CBP) Form I-94 (white) or Form I-94-W (green), if he arrived by land under the Visa Waiver Program, in his passport, it is possible that his departure was not recorded properly.

If he departed by a commercial air or sea carrier (airlines or cruise ships), his departure from the United States can be independently verified, and it is not necessary to take any further action, although holding on to his outbound (from the United States) boarding pass - if he still has it - can help facilitate his reentry next time he comes back to the United States.

If he departed by land, private vessel or private plane, he will need to take steps to correct the record. If he does not validate a timely departure from the United States or if he cannot reasonably prove he departed within the time frame given to him when he entered, the next time he applies for admission to the United States, DHS CBP may conclude he remained in the United States beyond his authorized stay. If this happens, the next time he applies to enter the United States, his visa may be subject to cancellation or he may be returned immediately to his foreign point of origin.

Under the Visa Waiver Program (VWP), visitors who remain beyond their permitted stay in the United States cannot reenter the United States in the future without obtaining a visa from a U.S. Consulate. If the traveler is a Visa Waiver Program visitor who traveled by land to either Canada or Mexico for an onward flight, it is particularly important for him to register his timely departure if his green I-94W was not taken when he exited the United States (Note: not all VWP travelers receive I-94W forms any more. VWP travelers crossing the land boarder usually receive the form but air travelers usually do not). If he fails to do so and he arrives at a U.S. port-of-entry (POE) seeking admission under the Visa Waiver Program without a visa, CBP officers may order his immediate return to a foreign point of origin. If he is a VWP visitor and he left the United States by an air or sea

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U.S. Department of State Foreign Affairs Manual Volume 9
Visas

carrier, his departure is independently verifiable and he does not need to contact CBP to verify his departure.

If the traveler failed to turn in his I-94 Departure Record, he should send it, along with any documentation that proves he left the United States to:

*Coleman Data Solutions
Box 7965
Akron, OH 44306
Attn: NIDPS (I-94)
(U. S. Postal Service)*

or

*Coleman Data Solutions
3043 Sanitarium Road, Suite 2
Akron, OH 44312
Attn: NIDPS (I-94)
(FedEx or UPS)*

Travelers should not mail their departure Form I-94 or supporting information to any Consulate or Embassy, to any other DHS CBP office in the United States, or to any address other than the one above. Only at this location is CBP able to make the necessary corrections to its records to prevent inconvenience to the traveler in the future. The London, Kentucky office does not answer correspondence, so the traveler should not ask for confirmation that your record has been updated.

To validate departure, the DHS CBP will consider a variety of information, including, but not limited to:

- Original boarding passes the traveler used to depart another country, such as Canada, if he flew home from there.
- Photocopies of entry or departure stamps in the traveler's passport indicating entry to another country after he departed the United States (he should copy all passport pages that are not completely blank, and include the biographical page containing his photograph.)
- Photocopies of other supporting evidence, such as:
- Dated pay slips or vouchers from his employer to indicate he worked in another country after he departed the United States;
- Dated bank records showing transactions to indicate he was in another country after he left the United States;
- School records showing attendance at a school outside the United States to indicate he was in another country after he left the United States; or
- Dated credit card receipts, showing his name, with the credit card number deleted, for purchases made after he left the United States to indicate he was in another country after leaving the United States

The traveler should include a statement in English to assist CBP in understanding the situation and correct his records quickly. The statement will not be acceptable without supporting evidence as noted above. The traveler must mail legible copies

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 9

Visas

or original materials where possible. If the traveler sends original materials, he should retain a copy of the materials. DHS CBP cannot return original materials after processing.